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EXAMINER

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ART UNIT

PAPER NUMBER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/047,004
Filing Date: January 16, 2002
Appellant(s): HIMMEL ET AL.

Jeffrey L. Streets – Reg.No. 37,453
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 6, 2006 appealing from the Office action mailed April 6, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

This appeal involves claims 1, 15, 17, 18, and 31.

Claims 2-14, 16, 19-30, and 32-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

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No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 15, 17, 18, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Clapper (US 2003/0026403).

Clapper discloses claims:

1. A computer implemented method for providing a Uniform Resource Locator (URL) to a customer comprising: (see method steps of fig.2)

- receiving a telephone call having a customer identification record including a destination address associated with a communications terminal of the customer; ([0017] “The appliance includes a telephone mechanism 30 (“local phone”) for connecting to the telephone system. It includes a caller ID mechanism 32 for receiving caller ID information from the telephone system. It includes an Internet client 34 for connecting to the Internet or other such data system. It also includes a search director 36 for conducting searches of the remote websites. The

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appliance includes an email program 38 for sending email via the internet client to one or more of the remote email clients. The appliance includes a data presentation composer 40, such as an html (hypertext markup language) composer for preparing html pages for local display or for serving to remote clients. The appliance further includes memory 42 or storage, such as a hard disk, recordable compact disc (CD-R), rewriteable compact disc (CD-RW), semiconductor memory, or other suitable storage mechanism for storing data. It also includes a processor 44 for performing logic and data manipulation operations. The appliance may include an audio encoder 46 such as an MP3 encoder, and an audio decoder or player 48 such as an MP3 player. Finally, the appliance includes a presentation interface 50, such as a video display screen and an audio speaker.”)

- selecting at least one URL to be sent to the destination address of the customer; and (¶ [0026]

“FIG. 4 illustrates one exemplary embodiment of a voicemail interface web page which may be constructed by the html composer. The information is shown as being presented in tabular format, but other formats are certainly possible and within the scope of this invention. The voicemail interface web page may include entries for each of the voicemail messages received, or perhaps for a subset, as in the case where there are too many to show on a single page. The presented data might include, for example, the date and time when the call was received, the phone number from which the call was placed (unless caller ID information was not made available for that call), the name of the caller if the internet or local lookup was successful, and other such information such as street address, email address, **uniform resource locator (URL) of the caller's website**, and so forth.”)

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- generating and sending an electronic message containing the at least one URL to the destination address of the customer ([0017], “an email program 38 for sending email via the internet client to one or more of the remote email clients. The appliance includes a data presentation composer 40, such as an html (hypertext markup language) composer for preparing html pages for local display or for serving to remote clients.”)

15. A method for sending a Uniform Resource Locator (URL) to a communications terminal comprising:

registering a destination address of the communications terminal with a database maintained by a sender; (claim 15 of Clapper “searching a database for additional information corresponding to the identification information; and presenting the additional information in connection with the communication.”)

selecting at least one URL to be sent to the communications terminal during a telephone call to the sender; (sending URL “website” of fig.4)

generating an e-mail by a telephone system of the sender containing the at least one URL; (paragraph [0017])

and sending the e-mail containing the at least one URL from a telephone system of the sender to the destination address of the communications terminal. (paragraph [0017]-[0023])

17. A method for obtaining a Uniform Resource Locator (URL) for use by a communications terminal comprising:

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selecting at least one URL to be sent to the communications terminal during a telephone call to a sender; and ¶ [0026] “FIG. 4 illustrates one exemplary embodiment of a voicemail interface web page which may be constructed by the html composer. The information is shown as being presented in tabular format, but other formats are certainly possible and within the scope of this invention. The voicemail interface web page may include entries for each of the voicemail messages received, or perhaps for a subset, as in the case where there are too many to show on a single page. The presented data might include, for example, the date and time when the call was received, the phone number from which the call was placed (unless caller ID information was not made available for that call), the name of the caller if the internet or local lookup was successful, and other such information such as street address, email address, **uniform resource locator (URL) of the caller's website**, and so forth.”)

automatically providing a destination address to the sender during the same telephone call; and receiving an e-mail message containing the at least one URL from a telephone system of the sender. (paragraph [0017]-[0023])

18. A computer program product including instructions embodied on a computer readable medium, for sending a Uniform Resource Locator (URL) to a communications terminal, the instructions comprising: recording instructions for recording a destination address of the communications terminal into a telephone system of the customer; selecting instructions for selecting at least one URL to be sent to the communications terminal during a telephone call to a sender; obtaining instructions for the telephone system of the sender to obtain the destination address; generating instructions for generating an e-mail by the sender's telephone system

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containing the at least one URL; and sending instructions for sending the e-mail containing the at least one URL from a telephone system of the sender to the destination address of the communications terminal. (paragraph [0017]-[0023])

31. A computer system for providing a Uniform Resource Locator (URL) to a customer comprising: receiving means for receiving a telephone call having a customer identification record including a destination address associated with a communications terminal of the customer; selection means for selecting at least one URL to be sent to the destination address; messaging means for generating and sending an electronic message containing the at least one selected URL to the destination address. (§ [0016]-[0024])

(10) Response to Argument

Applicant contends that Clapper fails to disclose each of the limitations of independent claims 1, 15, 17, 18, 15, and 31.

Examiner respectfully disagrees and asserts that applicant's claimed limitation vaguely calls for "receiving a customer identification record including a destination address associated with a communications terminal of the customer during a telephone call with the customer; selecting at least one URL to be sent to the destination address of the customer; and generating and sending an electronic message containing the at least one URL to the destination address of the customer". Applicant did not describe what is the actual electronic system or novel technology in order to facilitate the claimed nonfunctional URL delivery system. For example, it is unclear what device is being used or how to receive the URL link during a telephone call. Applicants are reminded that claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. In re Morris, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997). As a matter of fact, the "examiner has the duty of police claim language by giving it the broadest reasonable interpretation." Springs Window Fashions LP v. Novo Industries, L.P., 65 USPQ2d 1862, 1830, (Fed. Cir. 2003). Applicants are also reminded that claimed subject matter not the specification, is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding the prior art. In re Sporck, 55 CCPA 743, 386 F.2d, 155 USPQ 687 (1986).

Firstly, Clapper discloses a system/apparatus/method (5) of receiving a customer identification record including a destination address associated with a communications terminal of a customer

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during a telephone call with the customer (receive phone call 60, store caller ID info 62, play outgoing greeting 66 including an internet link 72 by selecting at least one URL 72 to the destination address of the customer 74, 76 (search remote website for matching called ID and retrieve and store correlated data). With regard to applicant's argument that Clapper fails to disclose sending anything to the customer. In contrary, discloses:

[0037] The appliance of the invention is also coupled to these networks. The appliance includes a telephone mechanism 30 ("local phone") for connecting to the telephone system. It includes a caller ID mechanism 32 for receiving caller ID information from the telephone system. It includes an internet client 34 for connecting to the internet or other such data system. It also includes a search director 36 for conducting searches of the remote websites. The appliance includes an email program 38 for sending email via the internet client to one or more of the remote email clients. The appliance includes a data presentation composer 40, such as an html (hypertext markup language) composer for preparing html pages for local display or for serving to remote clients. The appliance further includes memory 42 or storage, such as a hard disk, recordable compact disc (CD-R), rewritable compact disc (CD-RW), semiconductor memory, or other suitable storage mechanism for storing data. It also includes a processor 44 for performing logic and data manipulation operations. The appliance may include an audio encoder 46 such as an MP3 encoder, and an audio decoder or player 48 such as an MP3 player. Finally, the appliance includes a presentation interface 50, such as a video display screen and an audio speaker.

at line 9, ... sending called ID information, email, via the Internet, to one or more of the remote email clients, providing html (hypertext markup language) to remote clients.

Secondly, it is clear that Clapper discloses a step of "sending an electronic message containing the at least one URL to the called ID" by using Clapper's appliance 5, or a personal computer (PC) like appliance such as Intel® Dot.Station™ appliance at described in paragraph [0018] – a built-in telephone and home organization appliance. Therefore, sending an email containing at

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least one URL to the called ID for the internet client 34 to be connect to the internet. (At line 6, of paragraph 17)

Thirdly, it is clear from claims 1, 15, 17, 18, and 31 above, that the destination address for receiving the email containing the URL must be provided by a customer(or user) during a telephone call.

[0019] FIG. 2 illustrates one embodiment of a method of operation of the appliance. The appliance receives (60) a phone call from a sender, stores (62) the caller ID information which it receives with the phone call from the phone system, and answers (64) the call. The sender may be a person or a machine, and the identifying information such as caller ID may identify the person and/or the machine. In some embodiments, the appliance may include a telephone handset, allowing the user to answer the call; in such embodiments, this may abort the method of this invention. In some embodiments, the invention may be practiced in conjunction with communications other than conventional telephone calls. By way of example and not limitation, such communications might include a pager message, an instant message, a private radio call such as over the Motorola network, a voice-over-IP call, a wireless point-to-point contact, and so forth.

(80) a request from one of the remote email/web clients or perhaps directly at the local internet client's browser, such as an http request for a web page to contain the requester's voicemail. In some embodiments, the appliance may authenticate the requester, for security purposes. The appliance's html composer constructs (82) a web page, such as in the form of a table, using data which has been placed in storage (in accordance with the method of FIG. 2) and the internet client responds (84) to the http request by sending the web page which the html constructor has built (either to the remote email/web client or to the local presentation interface). In some embodiments, this may be performed using a secure transport mechanism such as https.

Paragraph [0019] and (80) illustrates the appliance (5) receives a phone call from a sender and a request from remote email/web clients directly at the local internet client's browser. Therefore it

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allows calling parties, sending or receiving, to communicate and request for any information as programmed and defined by its specification Intel® Dot.Station™ appliance.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,



Jeffrey Pwu

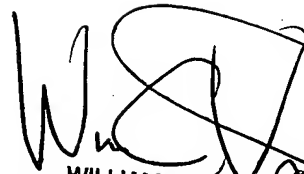
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